



# BELLINGHAM PLANNING BOARD

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## September 10, 2009 Meeting Minutes

- **Present at the Meeting**

Patricia M. Buckley (PMB), Chairman  
Glenn C. Wojcik (GCW), Vice Chairman  
Brian Sutherland (BJS), Secretary  
Stephen Bartha (SB) (absent)  
Dave Brown (DB)  
John Sexton (JS), Associate Member

**Other Officials:** Stacey J. Wetstein (SJW), Town Planner  
Amy Sault (AS), Coordinator

PMB opens the meeting at 7:00pm.

### **New Business**

#### **Continued discussion on #5-7 Changes to the Water Resource District Bylaw and Map Section 4900 regarding stockpiling of snow and impervious surface.**

Don DiMartino, DPW Director, presenting Article #9, formerly Article #5 (the numbers have changed due to items being added). Articles are now 9, 10 and 11. #9 is a simple change of wording that will read stock piling and deicing chemicals "brought in from outside the Water Resource District or Zone II" instead of "outside of Town." BJS questioned if it speaks more of the intent and Mr. DiMartino advised it makes sense not to stock pile snow out of the Town, it should stay in the district.

With regard to Article #10 (formerly Article #6), Mr. DiMartino advised it is basically a reprint and revision from the one that did not pass during the May Town Meeting. He stated it is easier to understand and eliminates the need for any meetings in front of the Planning Board. This is for new construction or changes to existing lots; the wording is modified and is less likely to be a significant burden. SJW questioned what would happen if a project came in that exceed the 15%-- would they just need a Stormwater Maintenance Permit or a Special Permit? She stated that the Planning Board has not ever had a Water Resource District permit come in under the triggers #1 for the

enlargement or alteration of a use prohibited in the District or #3 hazardous materials in quantities exceeding normal household use. All Water Resource District permits have been for exceeding 30% impervious surface. SJW stated that it has to be made clear that the Town would no longer have the ability to require a special permit for any project in the Water Resource District regardless of if they exceed the 15% or not, that those exceeding 15% would only need a Stormwater Management Permit. For instance, if the Shoppes at Bellingham were to withdraw and reapply they would no longer need a Water Resource District special permit. BJS mentioned it adds to confusion and is a positive impact on the Town. Mr. DiMartino suggested adding the requirement of a special permit for commercial projects to the third paragraph requiring the Stormwater Management Permit. The Board thought that was a good idea.

With regard to #11 (formerly Article #7), Mr. DiMartino advised that the last article is to modify the existing Water Resource District map and recharge areas and go with the State's approved Zone II recharge areas. This change takes out a lot of the Wethersfield and Depot Street area, most of which was over an unused well-site that is covered by railroad tracks. This well would never be opened, especially since the Town is not in a position to expand the capacity of what we have now, and the town owns well #10, which it is not developed but it is reserved. Mr. DiMartino also reiterated that not passing Article #10 will cost the Town \$20,000 per year and the Town would be fined by the State in an undetermined amount.

BJS: Motion to recommend support Articles #9, 10 and 11 as amended.

DB: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

**The Shoppes at Bellingham, Continued Public Hearing, Development Plan Review, Water Resource District Special Permit, Major Business Complex Special Permit.**

PMB advised that SJW received a letter from Bob Frazier requesting that their hearing be continued to October 22, 2009 due to SB not in attendance at tonight's meeting.

BJS: Motion to continue the public hearing for the Development Plan Review, Water Resource District Special Permit, Major Business Complex Special Permit for The Shoppes at Bellingham, Continued Public Hearing, until October 22, 2009 at 7:15pm.

DB: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

**Rocco Garage, 146 Maple Street, Development Plan Review, 1<sup>st</sup> Public Hearing**

SJW advised that she has not heard from any of the applicant's representatives regarding this project. No representative for the project was present. The Board

decided to discuss what was received from Inspectional Services. BJS read the letter dated August 28, 2009 from Stuart LeClaire (on file at the Planning Board Office). BJS advised that based on the letter the PB is not able to continue looking at this project because it does not meet the Zoning Bylaws Section 2570 requirement for two principal uses or structures must have enough lot area for two lots. The required lot area in an industrially zone for two primary uses would be 120,000 s.f. and the project only has 113,000 s.f. PMB advised she feels uncomfortable denying the project without knowing whether or not the applicant received the letter from Inspectional Services. SJW advised that she will send them the letter via mail not email but regardless they should have been at the public hearing because they knew about the date from the last meeting. GCW thinks that the benefit of the doubt should be given and not deny right now.

Ashley Biggalow, representing the applicant / owner apologized for being late and asked for a continuance. BJS explained to Mr. Biggalow the letter received from Inspectional Services. BJS gave him the options as a result of that letter; to withdraw without prejudice, go before the Zoning Board or the Board would be forced to deny the project. BJS advised that the next meeting they can be on the agenda for is September 24, 2009 at 7:05pm.

BJS: Motion to continue the public hearing for Rocco Garage, 146 Maple Street, until September 24, 2009 at 7:05pm.

DB: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

### **Bellingham Estates Toll Brothers Tree Discussion**

Jason Witham, Alex Renzi, project manager from Toll Brothers. Mr. Witham showed the original planting plans for Bellingham Estates, 399 trees all planted within the right of way. They were served with a cease and desist order from the electric company because the trees were within the electric company's easement. Toll Brothers has been in a holding pattern and they wanted to make sure they were going in the right direction. They want to be able to dedicate the road next spring so they want to get this resolved during the fall planting season. The plan presented to the Board showed the location of the installed trees in which some are located in the approved location and some were planted outside the approved location. One homeowner had the trees removed from his property. Toll Brothers sent letters to each individual homeowner and each homeowner wants a say as to where they go because the trees are on their properties. PMB questioned how many trees were installed. Mr. Witham advised that 280 trees have been installed nine installed and removed.

SJW asked when the plan was dated. The Board was concerned that if the plan was several years old, there could have been a turnover of original homeowners and the locations of the trees still to be planted may be different. It was from December of 2006 but updated in March of 2009. Chris Sugrue, president of the homeowners association, said that most people wanted the trees planted. BJS expressed concern that if the trees go on the homeowners properties, they could be cut down. The Board stated that

existing trees planted by the homeowners should be shown on an updated plan, but could not be counted toward meeting the developer's obligation of planting 399 trees. The Board also wondered if trees not planted could be put on the open space parcels that will be town owned. SJW stated that she would hesitate to recommend putting the trees on the that land because it could be a conservation issue as the open space will be owned by the town, but through the Conservation Commission and that most of the open space was already forested or wet. Mr. Sugrue advised that the homeowners would want a say as to where the trees go on their properties as most of them have already completed their landscaping.

The Board agreed that they would like the developer to formally come back before the Board when they have completed all the plantings. An updated plan where the plantings are should be presented. Toll Brothers agreed to present on the plan the remaining number of the original 399 trees they would not be able to plant. Toll Brothers agreed to present the Town with the funds of installing the same type of tree (with a 1 year warranty), to be used for similar type of work on future projects. PMB advised that they could get on the Agenda for November 12, at 7:00 pm.

### **Old Business**

BJS: Motion to sign the August 13, 2009 meeting minutes.

GCW: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

BJS: Motion to accept the minutes from August 27, 2009 meeting.

DB: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

BJS: Motion to sign the vouchers.

DB: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

### **Planners Report**

SJW advised that on Monday September 21<sup>st</sup> at 7pm the Board of Selectmen would be hosting a workshop concerning the open meeting law, conflict of interest law and other issues would be held for all Boards. SJW advised that at least one Planning Board member should attend the meeting.

SJW updated the Board on Master Plan. There is a meeting scheduled for Thursday September 17<sup>th</sup> at 7pm. She has worked on some draft reports concerning the residential and business surveys, which she will discuss at the meeting.

DB: Motion to adjourn.

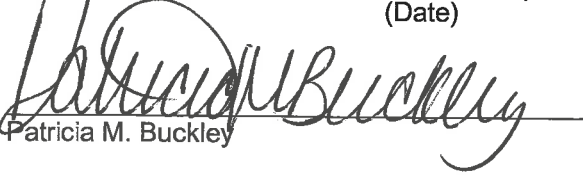
GCW: Second.

Vote: 4-0 Approved. (PMB, GCW, BJS, and DB)

Minutes Accepted on: \_\_\_\_\_

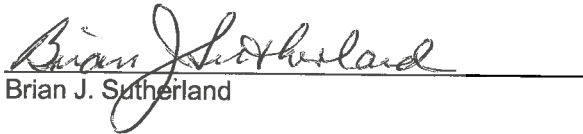
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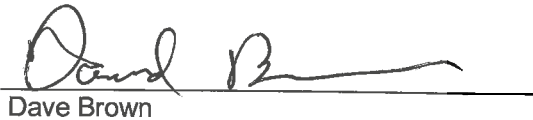
(Date)

  
Patricia M. Buckley

  
(Prepared by: Amy Sault)

  
Glenn Wojcik

  
Brian J. Sutherland

  
Dave Brown

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Stephen Bartha (absent)